IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No.350 of 2006

1. Jahid S/o Rashid
2. Rashid s/o Hamid
3. Kurshid S/o Rashid
4. Amtul W/o Rashid
   All R/o Mohalla Ikram
   Kasba and P.S. Rampur Maniharan
   District - Saharanpur .....Applicants

Versus

1. State of Uttaranchal

2. 1st Additional Civil Judge (J.D.), Roorkee
   District – Haridwar

3. Liyakat Ali S/o Late Sri Majid
   R/o Village Choli Sahabuddinpur
   Police Station – Bhagwanpur
   District – Haridwar .....Respondents

Sri Navneet Kaushik, learned counsel for the applicants.
Sri Amit Bhatt learned A.G.A. for the State

Hon'ble J. C. S. Rawat, J.

This petition u/s 482 Cr.P.C. has been filed to quash the Chargesheet dated 14.12.2005 and summoning order dated 01.04.2006 u/s 498A I.P.C. and ¾ Dowry Prohibition Act in Case No. 208 of 2006.

Brief facts for the disposal of this petition are that an F.I.R. was registered by the respondent No. 3 alleging therein that marriage of his daughter was solemnized as per the Muslim rites with the applicant No. 1. At the time of the marriage the complainant had given dowry to the best of his ability but the applicants were not satisfied with the dowry and started to harass his daughter for the dowry. It is also alleged that the applicants had also assaulted the daughter of the complainant in this connection and turned her out from her matrimonial house. Thereafter the complainant lodged an F.I.R. u/s 498A I.P.C. and ¾ D.P.Act. Thereafter, the matter was

investigated by the police and chargesheet was submitted before the court below and the learned Magistrate took the cognizance and summoned the accused u/ 498-A I.P.C. and ¾ D.P.Act.

Feeling aggrieved by the said order, the present petition has been preferred before this court.

Heard learned counsel for the parties and perused the record.

It is contended on behalf of the applicants that whole of the family members of the applicants had been robbed in the said case and it was also contended that if the applicants had committed cruelty, the F.I.R. would have been lodged immediately. It was further contended that the story as narrated in the F.I.R. itself is not correct and the allegations made in the F.I.R. are concocted. Learned A.G.A. refuted the contention. Perusal of the F.I.R. clearly reveals that the F.I.R. discloses the cognizable offence against the applicants. According to the Investigating Officer there is sufficient evidence against the present applicants. Learned counsel for the applicants could not show that there is no evidence against the present applicants. It was pointed out that the entire case is concocted and false one. This court has a limited jurisdiction while sitting to decide the petition u/s 482 Cr.P.C. This court cannot sit as a trial court and cannot adjudicate and evaluate the evidence against the present applicants. There is sufficient evidence to hold that the cognizance order is not bad in law.

In view of the forgoing discussion, I am of the view that the petition devoid of merit is liable to be dismissed and is dismissed accordingly.

All applications pending in this case are stand disposed of in terms of the judgment.

(J. C. S. Rawat, J.)

23rd May, 2006
Shiv